



Town of Arlington, Massachusetts
730 Massachusetts Ave., Arlington, MA 02476
Phone: 781-316-3000

webmaster@town.arlington.ma.us

Redevelopment Board Minutes 04/06/2009

Arlington Redevelopment Board

Approved May 6, 2009

Meeting of April 6, 2009

Members Present:

Andrew West, Chair
Christopher Loreti, Vice Chair
Ed Tsoi
Roland Chaput
Bruce Fitzsimmons

Also Present:

Kevin J. O'Brien

Andy West called the meeting to order at 7:10, and opened the public hearing on an application for a special permit from the Arlington Parks and Recreation Commission to change the parking lot at Thorndike Field. Joe Connolly, Director of Recreation and Leslie Mayer, member of the Commission, represented the Commission and introduced landscape architect, David Warner who described the project. He explained that the project would add a turn-around to the parking lot, add handicapped spaces, a pedestrian walkway and signage. Some of the parking spaces (15) would have permeable paving to increase the infiltration of stormwater. Some new drainage would be connected to the existing system and the basketball hoops, now in the parking lot, would be removed.

Chris Loreti asked about some parking spaces near the entrance to the park and was told they are private spaces. Chris Loreti also observed that he thought the handicapped spaces should be located closer to the end of the parking lot and that the existing bike rack was in poor condition and not obvious.

Bruce Fitzsimmons asked if the turn-around exit could be more rounded to make it easier to navigate. David Warner responded that the tight corner was intended to slow people down. Bruce Fitzsimmons then asked what TAC had recommended regarding parking and was told that TAC recommended signage that directed people to other parking opportunities on the street, and that no busses be allowed in the parking lot and that a speed table be installed in the parking lot entrance.

Roly Chaput asked if the sidewalk would interfere with the nearby wetland. David Warner said he had discussed it with Cory Beckwith of the Conservation Commission and that it would not. Roly Chaput then asked that they use native plants in the new landscaping. Leslie Mayer said that Cory Beckwith had helped pick out the plants.

Ed Tsoi asked how the pricing of the proposal compared to their budget. David Warner said that they needed a good bid to do all of the proposed alternatives and were putting some parts as bid alternates in case they could afford to do it all.

Andy West asked for comments and questions from the audience. David Stoff said he appreciated the effort of the Parks Commission but he viewed the removal of the basketball hoops as an expansion of the parking lot into the open space. He encouraged the Board to set a high standard of review in this, the first case of a special permit for parking in the open space zoning district. Chris Loreti responded that the existing hoop area did not meet the definition of open space. Leslie Mayer said they had discussed the basketball hoops. None of the Commission's materials list a basketball court at Thorndike and the Commission felt it had to remove the hoops to discourage such use in a parking lot. Joe Connolly added that it was dangerous now.

Roly Chaput moved that they close the public comment period of the hearing. Bruce Fitzsimmons seconded the motion and the Board voted 5 to 0 to approve.

Chris Loreti asked that the Board consider a condition that if the Commission decided to add or change the bike rack, it could do so with the approval of the Director of Planning without re-opening the special permit hearing.

Chris Loreti then moved that the Board grant the permit with the conditions in the Director's report plus the condition discussed above about the bike rack. Roly Chaput seconded the motion and the Board voted 5 to 0 to approve.

Andy West next opened the hearing on Town Meeting warrant articles. Ed Tsoi moved to continue the hearing to April 13, 2009 at 8PM in the same meeting room. Chris Loreti seconded the motion and the Board voted 5 to 0 to approve.

Andy West then opened the continued hearing on the special permit application to build a CVS drugstore at 821 - 837 Mass. Ave. Kevin O'Brien asked Board members to report any discussions they had with people about the permit outside the public hearing. Bruce Fitzsimmons reported he had been contacted by Tom Davison who asked questions about what had been done heretofore. Roly Chaput indicated that he had heard from Tom Davison. Andy West said he'd received a phone message from Tom Davison, but didn't talk with him. Chris Loreti said he'd been called by Tom Davison and given him a general description of the proposal. He also spoke to Joe Curro of the School Committee regarding the school adjacent to the site and he had gotten an email from Dorothy Nash Webber and David Wright.

Andy West then explained how the hearing would be conducted. He wanted to cover all aspects of the proposal so people would have a chance to comment. He said we would talk about the site plan including use, traffic impacts, landscape and lighting, water, stormwater and sewer, architectural design, and sustainability. He then asked Kevin O'Brien to give a brief overview of the process to date because there were a lot of new people at the hearing.

Kevin O'Brien explained how the application was made last September, but before the first hearing. CVS requested a postponement in order to change their proposal. The hearing in October was continued to November 17, 2008. Since then the Board continued the hearing a number of times and the proposal changed in response to the comments of the public and the board.

Andy West then asked for comments and questions about the site plan. Tom Davison asked if he could make his comments in the order of the EDR standards in the bylaw, but Andy West asked him to stick to comments about the site plan and he would have a chance to talk about other issues later. William Burton asked if consideration had been given to pedestrian traffic. Andy West said that they would deal with that under the traffic heading later. Tom Davison made reference to a petition that had been signed by neighbors opposing the proposal and asked, "is it essential, I say no, is it desirable, I say no". It is a convenience store. What does it sell that we need so badly. He said he toured all the drug stores in Arlington and noted what they sold including 1300 feet of women's cosmetics.

Barton Bruce said he was shocked by the proposal. He didn't like the car dealer there next to the high school and he thinks we can find something better than selling drugs and junk food. Carol Band asked why not mixed use? Kevin O'Brien responded that no one applied for a mixed use. Mary Winstanley O'Connor, attorney for the applicant, stated that there were not five large pharmacies in Arlington, the CVS in the center has no pharmacy and the Stop and Shop was quite small. CVS finds the use desirable enough in this location to spend 6 to 8 million dollars to build it. Andy West added that there were a lot of banks in Arlington, and a lot of nail parlors, we looked at that.

Tom Davison cited standard 10.11(a)(7) regarding excess use and stated that he was for something, not against CVS. The use will

impact the town. The size of the store dwarfs family businesses. When he found out about it and asked his neighbors, none of them knew about it. He said we need to balance private property with public needs and asked will it be detrimental to the neighborhood.

Charlie Skidmore, Arlington High School Principal said that the high school students will find it very desirable. He wants to work with CVS to provide work and training experience for students. He thinks it will be very good. Paul Lynch said that the drive-thru is a concern because the idling cars cause pollution. Dorothy Nash Webber said that Stop and Shop processes 1,000 prescriptions a week which is not that different from CVS. She also said that Principal Skidmore doesn't know that CVS has such a program as he desires, and she is not aware of any such program.

Mary Winstanley O'Connor said that they have moved the building away from the high school, the church supports the proposal and wanted a fence. She pointed out that there are empty buildings on both sides of the high school now. CVS has a foundation that could work with the high school. Jim Doherty said that he attended high school there and there were more buildings around at the time. He liked the original design with the building in the middle of the parking lot, but the Board wanted it moved up. One could get much more on the site. He thinks it will be a convenience and he may want to use the drive-thru. Regarding it being necessary, he said there were many of many things in town, it is a diverse wealthy community.

Richard Duffy said he was co-chair of the Historical Commission and he was pleased that the Atwood House was being preserved and that it would form a good buffer for the church next door. He pointed out that there had been several different uses between the Atwood House and the high school and this was just the latest one. Pat Worden added that several of the houses that used to be there were removed by the Town. Carolyn Simmons said that she took care of her sick granddaughter and used the drive-thru pharmacy in Burlington and would like to have one here. Jim Doherty said that when they wanted to expand the Stop and Shop, Pat Worden tried to prevent it.

Ron Spangler, who said he was not speaking for the School Committee of which he is a member, but said that he would like at School Committee meetings that they would see more commercial space so that they wouldn't have to lay off teachers which he doesn't like to do. He said that the Planning Department asked questions about commercial development years ago. Kevin O'Brien said that he wanted to let people know that the Town was now in the process of creating a commercial development plan for the Town, and now was the time to get involved in that process. When people hear about meetings to discuss and provide input to the plan, please respond.

Tom Davison spoke up again saying that he read Brian Sullivan's article in the Arlington Advocate and he and Selectmen Clarissa Rowe think that this is not the appropriate use for the site. Mary Winstanley O'Connor pointed out that Brian Sullivan did not come to the hearing and Clarissa Rowe did and she talked about the landscaping of the site.

Andy West asked the group to move on to comments and questions about traffic. Jeff Maxtutis of the Transportation Advisory Committee explained their comments in the March 23 and March 30, 2009 memos. Chris Emilius, traffic consultant for the applicant, said that the ARB hired a traffic consultant to review his traffic impact report, he studied the trip generation, the crash data, and the driveway location. He said the crash data was done in the standard way and shown to be below average for the district. Jeff Maxtutis said that it may be under the average for the district, but it was high for Arlington and was definitely a problem at the Jason and Mill Streets intersection. Ed Starr pointed out that the State accident data was for injury accidents and the Arlington accident data was for all accidents. Jeff Maxtutis added that the point was that they wanted accidents to go down. Chris Emilius repeated that he did the trip generation according to ITE standards which meant that they did not do a morning peak, but the afternoon peak is much higher and there is still no impact on the intersection. Jeff Maxtutis said that TAC was not comfortable with the numbers so perhaps they should count the actual trips.

Mary Winstanley O'Connor said that there were three issues, the driveway location has been resolved, the crosswalk bump-outs were to be built and now it comes down to some mitigation number between \$5,000 and \$50,000. Andy West summarized the question about making actual counts of traffic and the amount of money to be available to fix the problem. Chris Emilius said that it was not really a hot spot. Jeff Maxtutis offered that they might agree that action needed to be taken if the traffic at the driveway was 1.33 times the predicted traffic at build out.

Barton Bruce asked if the trip generation was newly developed or was it cannibalized from the Stop and Shop data? Charles Pappas said there are two professionals disagreeing, what happens if there is not a problem, is the money returned to the applicant? Dorothy Nash Webber said she had the honor of working with the ARB on the Osco denial. The Osco proposal was similar to this one and it was denied. We should propose now a gentle traffic use, we've done it before. She continued that the traffic issues were similar. She handed out to the Board copies of the Osco decision on which she had marked the similarities. She then passed out the judge's decision of the appeal of the Osco denial. She told of meeting with Dave McKenna who was a policeman at Stop and Shop for twelve years who explained to her that that section of Mass. Ave. does not work because there are too many lights. She showed pictures of similar Osco issues at the CVS proposal. There were many more intersections – more intersections should be studied. Should study Grove Street for instance because much north/south traffic will use Grove St. to get to the CVS. Another example is Jason and Mill Streets intersection. It is the prime route for traffic from East Arlington. She said that the problem of in and out traffic was also not addressed. She did counts now and ten years ago and found that the traffic was much higher than CVS claims or predicts. She passed out a paper by David Wright and said that we should study cross streets which will get more traffic. Some like Wildwood and Newman way are only twenty four feet wide. She gave the Board a picture of Wildwood.

Dorothy Nash Webber continued that the Board had a responsibility to assure pedestrian safety – one death is one death too many. What is the total situation, this project will affect the Town for the next fifty years. This is a pharmacy with a drive-thru. Walgreens averages \$12 per purchase in two stores with fifteen hundred transactions. This is the wrong kind of business for this part of Arlington. We don't know how bad it will be. The ARB needs a back-up plan, not just an escrow fund. Osco probably could not be mitigated, the Board should deny this permit.

Mary Winstanley O'Connor responded that this was a very different location than the Osco site and CVS has not misrepresented the traffic demand and Sam Ofici-Addo has agreed with the numbers. Officer McKenna is not here and did not testify. TAC agrees with the proposal with the mitigation fund in place.

Joe Curro, a school committee member said he was not speaking for the School Committee, pointed out that Superintendent Bodie was present here tonight. He said he was concerned and supported the \$50,000 mitigation fund and that there was precedent in the Symmes project for such off-site improvements to be made. He wondered if it made sense to move the bus stop to be in front of the high school.

Pat Worden said that perhaps CVS made an oversight when they said that there would not be much more traffic because most of it would already be on the road. If there were a drive-thru and a nurse practitioner, that would increase the traffic. Jim Doherty said he was curious how much of the mitigation request was for the Jason and Mill streets intersection. Ed Starr of the TAC replied that the first priority was the CVS and school entrances, remaining funds could then be used at Jason and Mill. Jim Doherty continued saying that when Hodgden Noyes was there, there were cars parked on both sides of Mass. Ave. in front of the site. The Jason and Mill Streets intersection is famously bad, but one can't expect that there will be no entrance to the site. Jeff Maxtutis explained that at Jason and Mill, we could add a median and change the existing medians to improve the performance.

Dirck Stryker said that there was substantial uncertainty and that the Town needed a plan with specific measurements to indicate if and what should be done. Kevin O'Brien explained the comments of Sam Ofici-Addo from BSC, the ARB's traffic consultant, saying that BSC emphasized the trip generation issue and recommended a mitigation fund and monitoring to see what the actual traffic is.

Kathy Bodie, Superintendent of Schools asked what traffic measures were planned around the high school. She asked if the Board could control delivery times and could the drive-thru be not allowed to open until 9:00AM? Chris Emilius said that they did a pedestrian study that showed that the signalized crosswalk was used by some and some cut across the street without the crosswalk. They, therefore, proposed an additional crosswalk between the school and the CVS. He also noted that a lot of parents dropped their kids off at the bank and they then used the signalized crosswalk.

Bruce Fitzsimmons asked about the width of the bump-outs, Chris Emilius answered, and Bruce Fitzsimmons then said that the mitigation proposed seemed to focus on cars going in and out of CVS. Chris Emilius said that they were looking at impact. Bruce Fitzsimmons then asked if he meant impact at Jason and Mills Streets intersection or at the CVS driveway? Chris Emilius said that the impact at the driveway is CVS's problem, the impact elsewhere on Mass. Ave may be caused by something else. Ed Starr added that the impact comes from turning movements. Mary Winstanley O'Connor said that Chris Emilius, Sam Ofici-Addo and TAC can work out the details. Bruce Fitzsimmons said that in Chris Emilius's letter of March 26, Mr. Emilius said that the AM peak is low, but the PM peak is 111 trips per hour and that mitigation is in place for that level of traffic. Chris Emilius explained that the mitigation is planned for the higher peak, the difference is the trips into Carey Drive in the morning.

Chris Loreti asked if there were 111 trips in the AM, is the Jason and Mill Streets intersection the same? Chris Emilius replied that it was. Chris Loreti said he thought TAC could work out a monitoring plan for the escrow account. He then asked if CVS would put up "No Idling" signs at the drive-thru. Mary Winstanley O'Connor said they would. Chris Loreti asked if they would allow bicycles at the drive-thru. Mary Winstanley O'Connor said they would. Chris Loreti then asked about the hours of operation of the drive-thru, and Mary Winstanley O'Connor replied that it would open one hour after the main store and close one hour before.

Chris Loreti then asked about the four parking spaces that were located close to the front lot line. He understood that the ARB could permit the spaces even though they were within ten feet of the front lot line, but he couldn't see any reason why they should allow them. Mary Winstanley O'Connor said that these spaces were a big improvement over the auto dealer that was there and that if they shifted all the spaces back, they would lose area in the rain garden at the rear of the site. Chris Loreti pointed out that if they just eliminated the front spaces, they could gain a few others along the side. Andy West suggested that maybe it would be an improvement if they removed one of the spaces and added more landscaping in its place.

Paul Lynch said he was concerned that there wasn't enough parking for employees on the site. Paul Beck replied that they expected all employees to park on site.

Andy West returned to the idea of removing one of the front parking spaces and replacing it with landscaping. Paul Beck said that they didn't want to lose those spaces, but that solution was probably okay.

Chris Loreti then asked if they would consider moving the bike rack under the canopy. Architect, Kevin Patton said that they would prefer not doing that, but would consider it. Someone expressed more concern about sufficient employee parking on the site and Chris Loreti replied that the bylaw requires fewer spaces for a store this size than the developer has provided.

Selma Madardi said that CVS has been good about doing what the Board asked for. It seemed as if they were re-doing things already agreed to. She asked why the Board was giving the developer such a hard time. Barton Bruce said he didn't think they should give CVS the spaces close to the street.

Phil Henry was asked why there were no permeable paving in the lot. He replied that the use was considered a potential pollutant load that was too great for permeable pavers.

Andy West asked that they talk about the mitigation fund regarding traffic impacts. He suggested that the fund be set at \$50,000 with \$10,000 down and \$40,000 in escrow. Bruce Fitzsimmons said that \$50,000 in escrow is the proper way to do it. Paul Beck said that he would accept the \$50,000 figure. Mary Winstanley O'Connor suggested that TAC provide a draft escrow agreement. Barton Bruce said that \$50,000 is too little. CVS should just pay that amount and forget the escrow agreement.

Paul Beck asked if they could have their sign consultant explain the proposed signage before adjourning the meeting. After the designer explained the proposed signs, Kevin O'Brien noted that the proposed directional signs were too large, but could be allowed by special permit. Chris Loreti said that he didn't think they needed an "Entrance" and an "Exit" sign at the driveway. CVS indicated that they would look at that situation. Kevin O'Brien pointed out that the stop sign at the end of the parking lane nearest the building should be on the right side of the lane. CVS said they would change it. Carol Band asked if they would consider not allowing the CVS sign with interior illumination. The ARB replied that they were satisfied with the sign as proposed.

Chris Loreti moved and Bruce Fitzsimmons seconded the motion that the hearing be continued to April 13 at 7:30 PM in the same meeting room. The Board voted 5 to 0 to approve.

The meeting adjourned at 11:25 PM.

Respectfully submitted,
Kevin J. O'Brien